

To: House Committee on Family and Children Services

Re: Comments on HB 5267 Shared Parenting

From: Brian C. Downs, Esq., Rockford, MI

December 6, 2006

Committee Members,

I support HB 5267 and urge you to pass this very important legislation.

I am an attorney, a member of the State Bar of Michigan, and a member of the Family Law Section. I have three arguments that I hope you will consider when voting on this Bill.

I. HB 5267 IS LITERALLY A MATTER OF LIFE AND DEATH FOR MICHIGAN'S CHILDREN

Studies show that children of divorce who are deprived of a parent (typically the father) suffer a myriad of problems including dropping out of school, drug use, pregnancy, depression and suicide. Therefore, the longer the current system remains in place, the more children will be deprived of loving fathers and the more children will likely die of suicide. This is literally a matter of life and death.

II. THE STATE BAR OF MI IS ONLY OPPOSED TO REDUCING JUDICIAL DISCRETION

The opposition would like you to believe that the entire State Bar of Michigan is opposed to all aspects of HB 5267. But this is only half true. The State Bar of Michigan opposes the Bill merely because it limits the discretion of judges. The State Bar is not opposed to the Bill because of the risk of domestic violence nor because it is bad for children. The State Bar only opposes the Bill because it limits the discretion of judges. PERIOD. This is not surprising since the State Bar opposes virtually all legislation that limits the discretion of judges or judicial power in any way. Further, the State Bar is not actively opposing the Bill by using it's lobbying tools.

The Family Law Section opposes the Bill using scare tactics and arguments unsupported by research or common sense. Their opposition is not surprising since they are the group that benefits the most by keeping the current system in place which generates continuous conflict, litigation and a steady flow of money for family law attorneys. You may recall that this is the same organization that also argued that it was OK if a military serviceman lost custody of his children when he went overseas to serve his country. Please note that only eleven of the twenty one members of the Family Law Section voted to oppose HB 5267.

Don't be misled into believing that the State Bar is opposed to all the merits of this Bill. They are not. Only a specific minority of the State Bar opposes the major points of the Bill and they ones that benefit from continuing conflict. The current system is not in the best interests of the children.

III. THE CURRENT SYSTEM GENERATES CONFLICT

The opposition would also like you to believe that HB 5267 will generate more conflict between divorcing parents. But nothing could be further from the truth. It is well known that conflict is generated

when groups of people are treated differently and unfairly. Conversely, when people are treated equally and fairly, conflict is reduced..

HB 5267 reduces conflict by treating good parents equally and fairly. It sounds simple because it is simple.

IV. CONCLUSION -THE EMPEROR HAS NO CLOTHES

The secret is out. The current system is broken and it is harming Michigan's families and children. Like the Emperor with no clothes, people are seeing through the scare tactics of the opposition and seeing the carnage and devastation that the current system is causing to Michigan families. It is only a matter of time until the system is reformed. The question is how many more children and families will be devastated until then? How many more children will be harmed? And who will be the leaders who stop it?

Do not be misled by the extreme claims and scare tactics of the opponents of this Bill. I urge the Committee to pass HB 5267 so that the entire House of Representatives can vote the Bill either up or down. It is only fair that the entire House be given the chance to vote on this Bill. Please pass this Bill so that a fair and proper vote can be taken.